

MINUTES OF TOWN BOARD MEETING OF APRIL 13, 2011

PRESENT:	Supervisor	Teresa Dean
	Council	Mike Smith Andy Gillette Edward Fairbrother
	Attorney	Frederick Ahrens Jr.
	Town Clerk	Linda Cross

WATER BOARD

Supervisor Dean called the Water Board meeting to order at 4:30 p.m. and requested those present to participate in the Pledge of Allegiance.

NEW BUSINESS

RESOLUTION NO. 119-11
HUNT ENGINEERING AGREEMENT FOR PROPOSED WATER DISTRICT 2 EXTENSION
APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the Town Board has received a petition dated December 15, 2010, received on April 4, 2011 to secure the necessary map, plan, and report for proposed Water District Extension to (Smith Valley Development area, and

WHEREAS Town Law §192 states that a petition for the extension of a Water District must be accompanied by a properly prepared map, plan, and report, and

WHEREAS Town Law §191-a authorizes the Town Board to contract and secure such engineering services to prepare said map, plan and report, such resolution being subject to a permissive referendum upon adoption, and

WHEREAS pursuant to Town Law §191-a, if the proposed extension is hereinafter established, the costs authorized herein shall be reimbursed to the Town by the proposed Water District Extension in the manner provided by law, and

WHEREAS for environmental review, engineering studies are a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (21) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED pursuant to Town Law §191-a, the Town Board authorizes the Commissioner of Public Works to enter into an agreement with Hunt Engineering for the purpose of producing a map, plan, and report for the proposed Water District 2 Extension (Smith Valley Development area) for the sum not to exceed \$5,300.00 with said costs to be reimbursed to the Town in and when said extension is approved in accordance with Town Law Article 12 or 12-a, and

MINUTES OF TOWN BOARD MEETING OF APRIL 13, 2011

RESOLUTION NO. 119-11, HUNT ENGINEERING AGREEMENT continued

FURTHER RESOLVED the Town Clerk is hereby authorized and directed to publish the necessary notice concerning the adoption of this resolution as such resolution is subject to a permissive referendum under Town Law Article 7.

CARRIED: AYES: Smith, Fairbrother, Gillette, Dean
NAYS: None

Councilperson Fairbrother made a motion, seconded by Councilperson Smith, to adjourn the Water Board meeting at 4:32 p.m. All in favor, motion carried.

TOWN BOARD

PUBLIC HEARING 4:32 p.m. Special Use Permit – Camping World

Supervisor Dean called the public hearing to order at 4:33 p.m. and read the legal notice duly advertised in the Elmira Star Gazette on April 5, 2011, which allowed and considered public comments on the special use permit for Camping World to permit RV sales at Tax Parcel # 57.04-1-7.17, located at Consumer Square.

IN FAVOR: None

OPPOSITION: None

COMMENTS: None

Since there were no further comments, Supervisor Dean closed the Public Hearing at 4:34 p.m.

CONCERNS OF THE PEOPLE

Supervisor Dean provided a memo to the Town Board regarding a proposal for a Special Use Permit from Otis Eastern Service Inc. Charles Howland, Superintendent along with Charles Joyce, President spoke on behalf of the Tioga Extension Project with Otis Eastern Service Inc.

RESOLUTION NO. 120-11
SET A PUBLIC HEARING SPECIAL FOR A USE PERMIT APPROVED

Resolution by: Smith
Seconded by: Gillette

RESOLVE the Town Board set a public hearing for Special Use Permit for Otis Eastern Services on April 27, 2011 at 7:03p.m.

CARRIED: AYES: Smith, Fairbrother, Gillette, Dean
NAYS: None

MINUTES OF TOWN BOARD MEETING OF APRIL 13, 2011

REPORTS

Supervisor Dean stated the following reports for March 2011 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report, Department of Public Works Monthly Report, SPCA Monthly Report, NYSDAM December Dog Licensing, Assessor's Monthly Report, Justice Court Monthly Report, Supervisor's Fund Balance Report.

OLD BUSINESS

RESOLUTION NO. 121-11 CAMPING WORLD SALES EVENT SPECIAL USE PERMIT FOR RV SALE APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the Planning Board has received an application from Camping World for site plan approval to permit an RV sales event located off CR 64, Tax Parcel 57.04-1-7.17, and

WHEREAS the property is located in the Business Regional (BR) district near the intersection of I-86 and CR 64, and

WHEREAS the proposed action is to be located in the Consumer Square Plaza in the parking lot of the former Wal-Mart on County Route 64, and

WHEREAS vehicle sales is a use permitted under site plan approval and upon grant of a special permit by the Town Board, and

WHEREAS a public hearing was duly held on April 13, 2011 whereas all interested parties were duly heard, and

WHEREAS the Planning Board of the Town of Big Flats granted site plan approval by Resolution P-2008-29, on August 5, 2008, and

WHEREAS the Planning Board of the Town of Big Flats has determine, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Unlisted Action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration in Resolution P2008-28, now

BE IT THEREFORE RESOLVED the Town Board approves the special use permit for Camping World with the following conditions:

- Hours of Operation shall be limited to hours within the times of 6:00 am EST and 11:00 pm EST
- The dates of the sales event shall be April 27, 2011 through May 2, 2011
- The applicant may begin moving vehicles onto the site three days prior to the sale, April 24, 2011

MINUTES OF TOWN BOARD MEETING OF APRIL 13, 2011

RESOLUTION NO. 121-11, CAMPING WORLD SALES EVENT SPECIAL USE PERMIT
FOR RV SALE continue

- All vehicles shall be removed and the site shall be returned to original condition no later than May 9, 2011
- Operational lighting shall follow the schedule of the plaza
- All signage shall comply with Town of Big Flats Municipal Code Chapter 17.52
- Applicant shall adhere to the site layout as depicted on the approved Site Plan

CARRIED: AYES: Smith, Fairbrother, Gillette, Dean
NAYS: None

NEW BUSINESS

RESOLUTION NO. 122-11
BACKYARD BROADCASTING FIREWORKS DISPLAY APPROVED

Resolution by: Smith
Seconded by: Gillette

WHEREAS Backyard Broadcasting has contracted with Young Explosives to conduct a fireworks display at the Elmira Corning Regional Airport on June 25, 2011 with no rain date, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Fireworks Commissioner to sign the Fireworks Permit, contingent upon the review and approval by the Attorney for the Town, permitting the fireworks display sponsored by Backyard Broadcasting at the Elmira Corning Regional Airport to be held on June 25, 2011 with no rain date.

CARRIED: AYES: Smith, Fairbrother, Gillette, Dean
NAYS: None

RESOLUTION NO. 123-11
2011 BUDGET AMENDMENT APPROVED

Resolution by: Gillette
Seconded by: Fairbrother

WHEREAS a memorandum was received from the Bookkeeper, dated March 18, 2011 requesting authorization for a budget amendment, and

WHEREAS for environmental review purposes, this a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, and

MINUTES OF TOWN BOARD MEETING OF APRIL 13, 2011

RESOLUTION NO. 123-11, 2011 BUDGET AMENDMENT APPROVED continued

WHEREAS the Justice Court received a grant under the 2010 cycle of the Justice Court Assistance Program (JCAP), now

BE IT THEREFORE RESOLVED the Town Board authorizes the following budget amendment:

Increase Estimated Revenues	A0510	\$7,938.83
Increase State Aid Court Grant	A3021	\$7,938.83
Increase Appropriations	A0960	\$7,938.83
Increase Justice CE Grant	A1110.0401	\$7,938.83

CARRIED: AYES: Smith, Fairbrother, Gillette, Dean
NAYS: None

RESOLUTION NO. 124-11
PUBLIC HEARING FOR PROPOSED ZONING AMENDMENT APPROVED

Resolution by: Fairbrother
Seconded by: Gillette

WHEREAS after reviewing the Town of Big Flats Comprehensive Plan and the Town of Big Flats Town Center Strategic Plan, reasonable facts were found to support a Comprehensive Zoning Amendment, and

WHEREAS Town of Big Flats Municipal Code, Chapter 17.68.010 provides the Town of Big Flats Town Board an avenue to amend the Town of Big Flats Zoning Law, and

WHEREAS it has been determined that Town of Big Flats Municipal Code, Chapter 17.12, District Use Requirements requires amendment, now

BE IT THEREFORE RESOLVED the Town Board sets a Public Hearing for April 27, 2011 at 7:01 p.m. on the Comprehensive Zoning Amendment, Local Law #2 of 2011.

CARRIED: AYES: Smith, Fairbrother, Gillette, Dean
NAYS: None

MINUTES OF TOWN BOARD MEETING OF APRIL 13, 2011

RESOLUTION NO. 125-11
BIG FLATS COMMUNITY DAY, INC. AGREEMENT APPROVED

Resolution by: Smith
Seconded by: Gillette

WHEREAS Big Flats Community Day, Inc. is a not-for-profit corporation that organizes, operates and runs an annual Community Days festival which is held at the Big Flats Community Park, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to sign the agreement with Big Flats Community Day, Inc. for the purpose of holding the Big Flats Community Days festival at Community Park on June 9-11, 2011 subject to the review and approval by the Attorney for the Town.

CARRIED: AYES: Smith, Fairbrother, Gillette, Dean
NAYS: None

RESOLUTION NO. 126-11
PERMIT FEE WAIVER FOR BIG FLATS COMMUNITY DAY, INC. APPROVED

Resolution by: Dean
Seconded by: Fairbrother

WHEREAS Big Flats Community Day, Inc. is a not-for profit corporation that organizes, operates and runs an annual Community Days festival which is held at the Big Flats Community Park, and

WHEREAS the festival requires the use of the Community Park and pavilions for a period running from June 9-11, 2011, and

WHEREAS the proceeds from Big Flats Community Days Inc. as indicated in the Big Flats Community Days Inc. Bi-Laws goes towards the beautification of the Town and its parks, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board waives the fees pertaining to the use of Big Flats Community Park, due to the fact that said proceeds are used for the beautification of the Town and its parks, for the purposes of holding the Big Flats Community Days Festival.

CARRIED: AYES: Smith, Fairbrother, Gillette, Dean
NAYS: None

MINUTES OF TOWN BOARD MEETING OF APRIL 13, 2011

RESOLUTION NO. 127-11

BIG FLATS COMMUNITY DAY, INC. GAMES OF CHANCE LICENSE APPROVED

Resolution by: Fairbrother

Seconded by: Smith

WHEREAS an application for Games of Chance was received from Big Flats Community Day, Inc. dated March 2, 2010, and

WHEREAS the Town Clerk duly submitted the application to the Chemung County Sheriff's Department, Records Division, for their investigation of Findings and Determination for Games of Chance License, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED if a findings and determination for Games of Chance License finds the designated members conducting Games of Chance are of good moral character, the RESOLUTION NO. 126-11, BIG FLATS COMMUNITY DAY, INC. GAMES OF CHANCE LICENSE continued

Town Board approves the Application for Games of Chance License, dated April 5, 2011, from Big Flats Community Day, Inc. to perform Games of Chance events as outlined in the application.

CARRIED: AYES: Smith, Fairbrother, Gillette, Dean
NAYS: None

RESOLUTION NO. 128-11

PURCHASE AND INSTALLATION OF DOORS FOR COMMUNITY PARK EXTENSION
CONCESSION STAND APPROVED

Resolution by: Smith

Seconded by: Gillette

WHEREAS the Commissioner of Public Works recognizes the need to purchase and install doors for the newly constructed concession stand at the Community Park Extension, and

WHEREAS quotes for the purchase and installation of said doors from Thomas Vesneske Overhead Door Co. and Overhead Door Company of Elmira have been received as follows:

- | | |
|-------------------------------------|-------------|
| 1) Thomas Veneski Overhead Door Co. | \$ 8,420.00 |
| 2) Overhead Door Company of Elmira. | \$ 9,100.00 |

MINUTES OF TOWN BOARD MEETING OF APRIL 13, 2011

RESOLUTION NO. 128-11, PURCHASE AND INSTALLATION OF DOORS FOR
COMMUNITY PARK EXTENSION CONCESSION STAND continued

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner of Public Works to purchase and have installed the doors and frames, per quote from Thomas Vesneske Overhead Door Co. at the cost not- to exceed Eight Thousand Four Hundred Twenty Dollars (\$8,420.00)

CARRIED: AYES: Smith, Fairbrother, Gillette, Dean
NAYS: None

CORRESPONDENCE

Program Updates/Time Warner Cable. A letter was received from Time Warner Cable, dated April 1, 2011, regarding their programming changes.

Annual Tire Collection Day/Chemung County Soil & Water Conservation District. A letter was received from Chemung County Soil & Water Conservation District, dated March 15th, 2011 regarding their Annual Tire Collection Day.

Liquor License/Restaurant 747. A letter was received from Joseph H. Navaie, Owner of Restaurant 747, dated April 1, 2011 regarding the renewal of their liquor license.

Letter of Interest/Thomas A. Dunbar. A letter was received from Thomas A. Dunbar, dated March 29, 2011, regarding consideration for the vacated Town Board position.

Town Finance School/AOTSNY. A notice was received on March 14, 2011 from Association of Towns of the State of New York regarding their Eleventh Annual Town Finance School Agenda.

Trade Show and Conference/NYS Wireless Association. A letter was received from Douglas Dimitroff, President of NYS Wireless Association, in regards to their 2011 Trade Show and Conference.

International Online Auctions/Auctions International.Com. A letter was received from Auction International.Com in regards to their online auction of government vehicles, machinery, and equipment.

F.O.I.L. Information Memo/Bond, Schoeneck & King, PLLC. A memo was received from Bond, Schoeneck & King, PLLC, dated March 2011, regarding F.O.I.L. request for school district and municipalities information.

2010 Census CQR Brochure/United States Department of Commerce Census Bureau. A letter was received on April 4, 2011 from Robert M. Groves Director of U. S. Census Bureau in regards to the 2010 Census Count Question Resolution Program.

MINUTES OF TOWN BOARD MEETING OF APRIL 13, 2011

Cultural Resource Compliance/Panamerican Consultants, Inc. A letter was received on April 4, 2011 from Michael A. Cinquino, Ph.D.,RPA, Senior Vice President Director of the Buffalo Branch Office, regarding Panamerica Consultants, Inc. experts in cultural resource compliance services.

Liquor License/Monitag Inc. A letter was received from James Rhodes, President of Monitag Inc., dated April 5, 2011 regarding the renewal of their liquor license.

Organic Material Drop Off Facility/Black Gold. A letter was received April 7, 2011 from Black Gold, in regards to Big Flats residents to drop off "CLEAN" organic material at of their facility. Attorney Ahrens informed the Town Board that the Town has not entered into an agreement with Black Gold. Therefore there are no liability concerns with the Town.

Well Water Contamination Findings/Office of the Executive County of Chemung. A copy of a sent letter to property owners of Smith Valley Development dated April 6, 2011 was received from Thomas J. Santulli, Chemung County Executive regarding the well water contamination findings.

Councilperson Fairbrother discussed setting a meeting with the SPCA. Supervisor Dean stated she would contact them to make arrangements.

Supervisor Dean made a motion seconded by Councilperson Fairbrother, to enter into executive session for two particular personnel matters, all in favor, motion carried.

Councilperson Smith made a motion, seconded by Councilperson Fairbrother to adjourn the Town Board meeting at 5:09 p.m. All in favor, motion carried.

Date approved: _____

Linda J. Cross
Town Clerk